In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.29052-M of 2007

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Date of decision:28.8.2007

Rajbir Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. H.S. Gill, Senior Advocate with Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Vikas Chaudhary, Assistant Advocate General, Haryana for the respondent-State.

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S.S. Saron, J. (Oral)

Heard learned counsel for the parties.

The FIR has been registered on the statement of Sarita Bhushan wife of Brij Bhushan. It is alleged by the complainant Sarita Bhushan that she has purchased land in Village Rojka Gujjar measuring 13 Bighas 13 Biswas from Daya Ram son of Amira and Khem Chand son of Kallu vide registered sale deed dated 28.11.1984, which was registered in the Tehsil Office Sohna. The entry regarding this purchase exists in the Jamabandi for the year 1997-98 in her name. However, out of this land area measuring 5 Bighas 13 Biswas situated in Village Rojka Gujjar was sold on 2.3.2001 for Rs.1,30,000/- to M/s S.S. Company Electronic City Gurgaon by some lady impersonating as complainant Sarita Bhushan. The sale deed was registered in the office of Sub-Registrar, Sohna. On 24.1.2005, the lady impersonating as complainant Sarita Bhushan sold 8 Biswas of land situated in Village

Rojka Gujjar for a consideration of Rs.2,50,000/- to Raman Kumar son of Radhe Shyam to the extent of 3/5 share and Ajaypal Kashwa son of Jaswant Singh Kashwa to the extent of 2/5 share and the deed was registered in the office of Sub-Registrar, Sohna. In both the registered deeds the witnesses who have attested the seller were Mangat Ram Nambardar and Harinder Sharma son of Ram Lakha Sharma. The complainant sent her son Mohan Bhushan to obtain Jamabandi of her land from Halqa Patwari of Village Rojka Gujjar who informed the son of the complainant that the land stands mutated in their records in pursuance of sale deeds dated 2.3.2001 and 24.5.2001. Actually, the complainant has not sold the land.

Learned senior counsel for the petitioner has contended that the petitioner is being implicated only on account of the fact that he allegedly took a copy of the Jamabandi in respect of the land in question in the year 2001. In fact, he did not take a copy of the Jamabandi as alleged. It is submitted that the petitioner is neither the beneficiary of the sale deeds that have been executed by some body impersonating as Sarita Bhushan nor the petitioner is the marginal witness of the sale deeds that have been executed. Even otherwise, it is submitted that the two sale deeds that have been executed have been set aside vide judgment and decree dated 9.3.2006 (Annexure-P.1) passed by the learned Civil Judge (Junior Division), Gurgaon.

In response, learned counsel for the State has submitted that the custody of the petitioner is required for the purpose of identifying the lady who impersonated as Sarita Bhushan. It is submitted that the purchasers of the land during the proceedings in the civil suit in their written statement have stated that they had purchased the land vide sale deed dated 24.5.2001

for consideration of Rs.2,50,000/-. It is submitted that the present applicant had got the sale deed in question registered in their favour on behalf of the plaintiff by managing and producing some unknown lady in place of the plaintiff Sarita Bhushan. The Halqa Patwari has also made a statement that the copies of the Jamabandi were obtained by the present petitioner. The learned counsel for the State has also submitted that the necessary requisition for the supply of a certified copy of the Jamabandi was made by the petitioner.

Learned senior counsel appearing for the petitioner has, however, submitted that the vendees of the sale deeds are naming the petitioner only for the reason that they want to shift the liability. Besides, it is submitted that the Patwari is unnecessarily naming the petitioner and, in fact, he was placed under suspension in a corruption case. Therefore, no reliance can be placed on his statement.

After giving my thoughtful consideration to the contentions of the learned counsel appearing for the parties, it may be noticed that on the last date of hearing i.e. 30.7.2007 the case was adjourned to enable the petitioner to participate in the investigation. It was submitted by the State counsel that the petitioner is not giving out the name of the lady who impersonated in place of Sarita Bhushan wife of Brij Bhushan at the time of execution of the sale deed. Besides, recovery of amount has also not been effected. It has come on record that the vendees of the sale deed, namely, Raman Kumar and Ajaypal Kashwa who had purchased 8 Bighas of land, in their written statement had taken the stand that the present applicant had got the sale deed registered in their favour on behalf of the plaintiff by managing and producing some unknown lady in place of Sarita Bhushan.

The Halqa Patwari has also made a statement that the petitioner had taken copies of the Jamabandi in the year 2001 in respect of which requisition also stands recorded in the name of the petitioner. The sale deeds were executed on 2.3.2001 and 24.5.2001 i.e. some time after obtaining the copies of the Farad Jamabandi. In the circumstances, custodial interrogation would be required to find out the person who impersonated in place of Sarita Bhushan at the time of execution of the sale deeds.

Consequently, there is no merit in this petition and the same is accordingly dismissed.

August 28, 2007. **(S.S. Saron)**
Judge

hsp